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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE SHRI H.L. DATTU, CJ.

Contempt Petition No.38 of 2004

PETITIONER : T.G. Goswami, S/o P.G.Goswami, aged 59 years, Occupation-Service presently working as Principal of D.D.S. Higher Secondary School, Birra, R/o Post-Seoni, Tahsil – Champa, District Jajgir – champa (C.G.)

VERSUS

RESPONDENTS

1. B.P.S. Netam, Director, Directorate of Public Instruction, Chhattisgarh, Raipur (C.G.)
2. B.L.Meravi, Joint Director, Directorate of Public Instruction, Chhattisgarh, Raipur (C.G.)

Contempt Petition under Article 215 of the Constitution of India.

Present: Shri Indra Sen Sahu, counsel for the petitioner.
Shri Pankaj Shrivastava, counsel for the respondents.

ORAL ORDER
(Passed on 4th May, 2007)

This Court by its order dated 15.10.2003 in writ petition No.3009/2003 had passed the following order and directions :

> Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, it is directed that the petitioner may be allowed to continue on the post on which he is working today until further orders.

(2) It is the case of the petitioner before this Court that on the date when the order came to be passed by this Court, he was working as Lecturer and therefore, the respondents cannot ask him to work as Shiksha Karmi and also cannot pay salary of the Shiksha Karmi. Therefore, according to the petitioner, the respondents have disobeyed wilfully and deliberately the orders and directions issued by this Court on 15.10.2003.

(3) Respondents have entered appearance through learned counsel and they have also filed their detailed counter affidavit along with order passed by the State Government dated 19.08.2003.

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(4) A perusal of the aforesaid order would clearly demonstrate that petitioner's services came to be absorbed by the State Government only as Shiksha Karmi, and not as lecturer. On the day when the order came to be passed by this Court, the petitioner was working as Shiksha Karmi and not as Lecturer. If he is continuing on the same post, in my opinion, the respondents have not committed any act of disobedience of the orders and directions issued by this Court. Therefore, I do not intend to take cognizance of this contempt petition. Accordingly, the contempt petition is rejected. Any observations made by me in the course of the order would not come in the way of the petitioner urging all the said contentions which are available to him in the writ petition which is pending before this Court. Ordered accordingly.

Sd/-
Chief Justice